



February 13, 2006

Sent Via E-Mail: Dexter.Thomas@usda.gov

Mr. Dexter Thomas
EDI Comments
AMS, F&V, PACA Branch
1400 Independence Ave., SW., Room 2095-S
Washington, D.C. 20250-0242

**Subject: Regulations under the Perishable Agricultural Commodities Act
(PACA), Docket FV-05-373**

As a PACA licensee and shipper of fresh fruits and vegetables, we are submitting this letter in connection with the notice in the Federal Register concerning electronic data interchange (EDI) when invoicing and seeking protection under the PACA statutory trust. We fully support modifying the regulations of the Perishable Agricultural Commodities Act as it relates to clarifying EDI invoicing practices.

Our standard paper invoices, contain the PACA Trust language (*The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received*) preprinted on our forms, providing trust protection automatically to us in accordance with the regulations. Recently, however, we have been forced by many large buyers to invoice exclusively through their EDI systems, as they no longer accept paper invoices for payment processing. In addition, the Trust language that has been providing protection to me as a Licensee is being dropped or excluded at the Buyer's discretion from their EDI programs.

Licensees, who invoice fresh fruits and vegetables electronically, should be provided coverage under the statutory trust in the same manner of protection afforded through traditional paper invoices. These regulations need to empower licensees and shippers to provide for their own protection under these regulations just as they do with paper invoices. Buyers should not have the discretion to reject the PACA Trust protection language. Therefore, we are in complete support of modifying the regulations to protect shippers when electronically invoicing for fresh fruits and vegetables by allowing mandatory coverage under the statutory trust on all EDI transmissions. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Salli Roberts".

Salli R. Roberts
VP Finance

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